

Notice of Allowability	Application No.	Applicant(s)	
	10/781,206	HYAKUTAKE ET AL.	
	Examiner	Art Unit	
	Christina Russell	2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 4/19/2006.
2. ☒ The allowed claim(s) is/are 1-21.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Drawings

The amendments to Figures 1 and 2 are accepted.

Specification

The amendment to the paragraph on page 17, starting on line 8, or more specifically the reference to Figure 4, is accepted.

Allowable Subject Matter

1. Claims 1-21 are allowed.
2. The following is an examiner's statement of reasons for allowance:
3. Claims 4, 10, 14 and 18 were previously deemed allowable in the first office action.
4. As for the other claims, the prior art relied upon in the first office action rejection by Uchiyama (5,024,134), Yoshida (4,951,545), and Szalay (5,717,155), no longer teach all the claimed elements of the independent claims 1, 2, and 3, and no other prior art references could be found that teach said claimed elements, therefore the independent claims and their dependent claims are considered allowable.

5. In terms of claim 1, Uchiyama discloses a stringed musical instrument having a fingerboard, strings and a tremolo arm. Uchiyama teaches the ability to change the tension of a plucked string by operating said tremolo arm, or performing a choking operation by shifting the string widthwise over the fingerboard. Both of these actions change the pitch period of the plucked stringed, which is then outputted to a musical tone generator. The present invention does not however require the shifting of a string to obtain a choking effect, but is responsive to the depressing of an operating element, which provides better control of the effects required by the user. Uchiyama does not disclose such operating elements provided on the instrument's body, which allow the user to add such effects, or more easily control the ON/OFF operations for obtaining said effects, such as a choking effect. Therefore, claim 1, and its dependent claims 7, 11, 15, and 19, are deemed allowable.

6. In terms of claim 2, Uchiyama again fails to teach of said operating elements present on the instrument's body, in the vicinity of timing determination operating elements, to allow easier accessibility to preferred effects, and better control over the ON/OFF operation of said effects. Uchiyama teaches of both a tremolo arm and the ability to create a choking effect but Uchiyama does not teach these effects accessible through the push of a button, or more specifically, an operating element, and does provide the ability to vary the pitch during choking according to the operation of said operating element. Therefore, claim 2, and its dependent claims 5, 8, 12, 16, and 20, are deemed allowable.

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7. In terms of claim 3, Uchiyama does not teach those elements mentioned above, along with the tremolo arm providing ON/OFF control for obtaining a choking effect, but merely teaches the ability to change the tension of the strings using said arm. Uchiyama also does not teach a controller which is responsive to the operation of said tremolo arm to provide additional control over the gradually raising of the pitch. Therefore, claim 3, and its dependent claims 6, 9, 13, 17, and 21, are deemed allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christina Russell whose telephone number is 571-272-4350. The examiner can normally be reached on Mon-Fri, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Bradley can be reached on 571-272-2800 ext. 33. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CR
5/6/2006


JEFFREY DONELS
PRIMARY EXAMINER